USPTO JC102 APR 14 2004 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ashkenazi, et al.	Docket No.:	39780-2730P1C2
Serial No.:	09/990,711	Group Art Unit:	1646
Filing Date:	November 14, 2001	Examiner:	Kemmerer, Elizabeth

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patent
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated January 14, 2004 of the Primary Examiner finally rejecting Claims 119-123. The item(s) marked below are appropriate:

☒ **Filing Fee:**

- ☐ $165.00 (small entity)
- ☒ $330.00 (large entity)

☐ **Time Extension Fee (if applicable):**

- ☐ one months ($ small/large entity)
- ☐ two months ($ small/large entity)
- ☐ three months ($ small/large entity)

04/19/2004 RMEBRAHT 00000130 081641 09990711
01 FC:1401 330.00 DA

CERTIFICATE OF MAILING (37 CFR 1.10(a))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited on April 14, 2004 with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 as **Express Mail No. EL 977 677 631 US** addressed to: Mail Stop: **AF**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: April 14, 2004

Cheryl Ann Rogers

☒ The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. **08-1641 (39780-2730P1C2).**

Date: April 14, 2004

By: Daphne Reddy
Daphne Reddy
Reg. No. 53,507

HELLER EHRMAN WHITE & McAULIFFE LLP
Customer No. 35489
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OIPE
APR 14 2004
PATENT & TRADEMARK OFFICE
JC102

FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($) 330.00

Complete if Known	
Application Number	09/990,711
Filing Date	November 14, 2001
First Named Inventor	Ashkenazi, et al.
Examiner Name	Kemmerer, Elizabeth
Art Unit	1646
Attorney Docket No.	39780-2730P1C2

METHOD OF PAYMENT (check one)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 08-1641 (Docket No. 39780-2730P1C2)

Deposit Account Name: Heller Ehrman White & McAuliffe LLP

The Commissioner is authorized to: *(check all that apply)*

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		x		=	
Independent Claims		-3** =		x		=	
Multiple Dependent						=	

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	330.00
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)_____

* Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($) 330.00

SUBMITTED BY				Complete *(if applicable)*	
Name *(Print/Type)*	Daphne Reddy	Registration No. *(Attorney/Agent)*	53,507	*Telephone*	650-324-7000
Signature	Daphne Reddy	*Date*	April 14, 2004	Customer No. 35489	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

04-16-04

Itw Tommye AF/1600

61

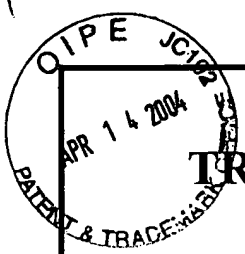
Please type a plus sign (+) inside this box ☐ +

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/990,711
Filing Date	November 14, 2001
First Named Inventor	Ashkenazi, et al.
Group/Art Unit	1646
Examiner Name	Kemmerer, Elizabeth
Total Number of Pages in This Submission	
Attorney Docket Number	39780-2730P1C2

ENCLOSURES ***(check all that apply)***

- ☒ **FEE TRANSMITTAL FORM**
 - ☐ Fee Attached
- ☐ Amendment / Response
 - ☐ After Final
 - ☐ Version With Markings Showing Changes
 - ☐ Affidavits/declaration(s)
- ☐ **EXTENSION OF TIME REQUEST**
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
 - ☐ Copy of Notice
- ☐ Copy of an Assignment
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request for Refund
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☒ **NOTICE OF APPEAL**
- ☐
- ☐ Additional Enclosure(s) *(please identify below):*
- ☒ **STAMPED RETURN POSTCARD**

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-1618 P2C40.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm *or* Individual name	**HELLER EHRMAN WHITE & McAULIFFE LLP**	**DAPHNE REDDY (Reg. No. 53,507)**	
	275 Middlefield Road, Menlo Park, California 94025	**Telephone: (650) 324-7000**	**Facsimile: (650) 324-0638**
Signature	Daphne Reddy		
Date	**April 14, 2004**	Customer Number:	**35489**

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP AF,** Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **April 14, 2004**

Express Mail Label **EL 977 677 631 US**

Typed or printed name	**Cheryl Rogers**		
Signature	Cheryl Rogers	Date	**April 14, 2004**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.